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**COURT OF APPEAL, FOURTH DISTRICT**

**DIVISION TWO**

**STATE OF CALIFORNIA**

In re JESSICA P., a Person Coming Under  
the Juvenile Court Law.

RIVERSIDE COUNTY DEPARTMENT OF  
PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.

VALENTINA J.,

Defendant and Appellant.

E029387

(Super.Ct.No. J11764)

O P I N I O N

APPEAL from the Superior Court of Riverside County. H. Dennis Meyers, Judge.

Affirmed.

Jesse F. Rodriguez, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Respondent.

Valentina J. (Mother), the mother of Jessica P., appeals from an order dismissing  
her Welfare and Institutions Code section 388 petition without prejudice and without a  
hearing.

Jessica P., who was then 11 years old, refused to return to the home she shared with her mother and stepfather. Jessica complained that the home was filled with animal excrement, that her mother was subjected to domestic violence that mother tolerated because her husband was her source of drugs which she abused. Mother slept all day, and Jessica did any cooking and cleaning. Jessica complained that her mother had slapped her face and punched her. Mother was not attending to Jessica's medical and dental needs.

On September 10, 1999, the Riverside Department of Public Social Services (DPSS) filed a petition under section 300 which was later amended on February 2, 2000. The amended petition alleged that Jessica came within subdivisions (b) and (g).

At the detention hearing, the court found a prima facie case had been made and ordered Jessica detained outside the family home.

A jurisdictional/dispositional report prepared on November 29, 1999, indicated that mother had been ordered onto a drug diversion program on controlled substance charge. The report also related that Jessica did not want to visit with mother even if supervised. The court ordered visitation, but Jessica was not to be forced to visit.

On February 2, 2000, an agreement had been reached in which Jessica's maternal aunt and uncle would become Jessica's legal guardians pursuant to section 360, and Jessica agreed with the plan.

The long-delayed jurisdictional/dispositional hearing was held on February 8, 2000. The court sustained the amended petition and found Jessica came within subdivisions (b) and (g). The maternal aunt and uncle were appointed guardians, and the court stated that it would terminate jurisdiction on receipt of the appropriate paperwork. On March 8, 2000,

the Letters of Guardianship and consent of the proposed Guardian were filed. Jessica was never declared to be a dependent of the court, and a service/reunification plan was never created because mother stipulated to the guardianship.

On February 8, 2001, mother filed a section 388 petition to modify the prior visitation and guardianship orders by requesting visitation and/or termination of the guardianship. Mother claimed that she had turned her life around and that the maternal aunt was thwarting visitation.

A report prepared April 4, 2001, recommended that the guardianship remain in effect and that a visitation schedule that had previously been worked out by a juvenile court mediator remain in effect. The report indicated that there was no apparent reason to change the prior orders of the court. Mother had complained that she had not visited for two years, but apparently mother had only submitted one drug test during that time, and mother had never abided by the stipulated visitation agreement.

On April 9, 2001, minor's counsel requested that the 388 petition be dismissed without prejudice stating that Jessica wanted to visit with her mother, but the guardian wanted mother to drug test. Mother's counsel stated that the parties went to mediation where an informal agreement had been worked out. DPSS felt that mother had not met her burden and that mother simply had not complied with the existing visitation agreement.

The court then dismissed the 388 petition without prejudice and without a hearing, believing that there was an informal agreement that everyone understood and that there would be no problem with visitation if mother complied with drug testing. The court

indicated that it would again hear the matter if visitation were denied after mother was in compliance with drug testing.

Mother has appealed, and at her request we appointed counsel to represent her. Counsel has filed a brief under authority of *In re Sade C.* (1996) 13 Cal.4th 952 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of facts and requesting this court to undertake a review of the entire record.

We offered mother an opportunity to file a personal supplemental brief but she has not done so.

We have now completed our independent review of the record and find no arguable issues.

The judgment is affirmed.

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McKINSTER

Acting P. J.

We concur:

RICHLI  
J.

GAUT  
J.